

### REMARKS/ARGUMENTS

In response to the Office Action dated November 4, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in a condition for allowance.

Claims 1-17 and 19-26 are pending in this Application. Applicants have cancelled original dependent claim 18, amended original claims 1-2, 5-7, 12-17, and 19-25, and added new claim 26, which depends on amended claim 22. In the November 4, 2004 Office Action, original claims 12-14 were objected to and original claims 1-25 were rejected.

#### **Claim Amendments**

The purpose of the amendments to original claims 1-25 and the addition of new claim 26, with the exception of claim 15, is to more broadly and better claim Applicants' inventions. None of the amendments are being made to overcome the Examiner's rejections or for purposes related to patentability, and Applicants' intend no surrender of any equivalents by way of these amendments. No new matter is added in this reply.

#### **Claim Objections – M.P.E.P. § 608.01(m)**

Original claims 12-14 were objected to because claim 12 did not end with a period. Amended claim 12 ends with a period, thereby obviating this objection.

#### **Claim Rejections – 35 U.S.C. § 103(a)**

##### *Claims 1, 3-19*

Original claims 1 and 3-19 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,609,153 to Salkewicz ("Salkewicz") in view of U.S. Patent No. 6,708,219 to Borella et al. ("Borella"). Applicants respectfully request reconsideration and withdrawal of these rejections. The Examiner has provided no basis for any one of ordinary skill in the art at the time of the invention to be motivated to select and combine Salkewicz and Borella. Moreover, even if such combination was appropriate, independent claims 1, 12, and 15 patentably define over the art of record for at least the following reasons.

Independent claims 1, 12, and 15 include features that are neither taught nor suggested by the art of record.

Claim 1 recites “a system for providing an internet protocol (IP) address to an IP enabled device, the IP address allowing the IP enabled device to obtain IP services available within the access provider network independent of an internet service provider (ISP)” and comprises “an internet access provider network; the IP enabled device connected to the access provider network via a network access device and being capable of communicating with the ISP via the access provider network and network access device; and an IP aware e-center residing in the access provider network comprising a host configuration server.”

The Examiner states that “Salkewicz discloses the invention substantially as claimed.” Applicants respectfully disagree. The Examiner refers to FIGS. 1B and 13 of Salkewicz. FIG. 1B simply illustrates the connection of several end stations to an ISP through several modems and a remote access server. FIG. 13 of Salkewicz illustrates the isolation of network domains in a network database. Each network domain is “allocated a portion of the device’s native resources” (*Salkewicz, column 11, line 27*). Salkewicz also discloses a node “IN1” where different network domains meet. The node “supports creation of multiple virtual network machines” (*Salkewicz, column 11, lines 19-20*). Salkewicz is silent on “an e-center residing in the access provider network comprising a host configuration server.” The Examiner acknowledges that “Salkewicz is silent on how the host configuration server provides the access device a first IP address for obtaining IP services offered with the provider network, and how the access device provides the IP enabled device a second IP address for obtaining IP services offered within the provider network” and turns to Borella. Borella discloses a first computer network with a router for routing data packets to external networks. In Borella, a network access service provider transmits data packets from a first network to a second network through a network switch. The host configuration server disclosed in Borella does not provide an IP address to a network access device, and the network access device disclosed in Borella does not provide a second IP address to the IP device, as recited in claim 1. Nor does Borella suggest or imply such features. Accordingly, the Examiner’s rejection of claim 1 cannot stand.

Independent claim 12 recites a method comprising “generating a first IP address at an element in an access provider network; sending the first IP address to another element in

communication with the access provider network; generating a second IP address at the other element; and communicating the second IP address to the IP enabled device, the second IP address being in addition to an IP address provided by the ISP and allowing the IP enabled device to obtain IP services available within the access provider network independent of the ISP.” The Examiner states that “Salkewicz discloses the invention substantially as claimed” and that the incorporation of “Borella et al.’s teachings of dual network address utilization with the teachings of Salkewicz” is obvious. Applicants respectfully disagree that the combination of Salkewicz with Borella teaches each of the elements of claim 12. Specifically, as stated above with regard to claim 1, the generation of 2 IP addresses, the first “at an element in an access provider network” and the second at “another element in communication with the access provider network,” and the communication of “the second IP address to the IP enabled device” is not disclosed by either Salkewicz or Borella. Indeed, Borella discloses only the routing of “data packets to/from the first computer network to a second computer network.”

Regarding independent claim 15, the Examiner again states that “Salkewicz discloses the invention substantially as claimed” and that although Salkewicz is silent on the transmission of the IP addresses, Borella discloses this transmission. Applicants respectfully disagree. Independent claim 15 recites the generation and communication of a first IP address to a network access device; the communication of a second IP address to the network access device; and the generation, at the network access device, and communication, to IP enabled devices, of a third and fourth IP address. In contrast, an embodiment of Borella describes the transfer of data packets between three computer networks through network switches. Borella is silent on, among other things, the generation of IP addresses and that the generation is “for obtaining IP services available within the access provider network.”

Thus, the combination of Salkewicz with Borella fails to render independent claims 1, 12, and 15 obvious. Withdrawal of the 103(a) rejections of claims 1, 3-17, and 19 is respectfully requested.

*Claims 20-21 and 25*

The Examiner states that claims 20-21 and 25 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Salkewicz in view of U.S. Patent No. 6,751,729 to Giniger et al.

("Giniger"). However, this rejection was identified under the heading "Claim Rejections – 35 USC §103." Moreover, the rejection discusses obviousness and the combination of Salkewicz with Giniger. Therefore, Applicants believe that claims 20-21 and 25 are actually rejected under 35 USC § 103(a) and the following arguments are based upon this assumption.

Applicants respectfully request reconsideration and withdrawal of these rejections. The Examiner has provided no basis for any one of ordinary skill in the art at the time of the invention to be motivated to select and combine Salkewicz and Giniger. Moreover, even if such combination was appropriate, independent claim 20 patentably defines over the art of record for at least the following reasons. Independent claim 20 includes features that are neither taught nor suggested by the art of record.

Claim 20 recites "a system for establishing a plurality of simultaneous Internet Protocol (IP) service sessions over a single connection to an access provider network." The Examiner alleges that this system is disclosed by Salkewicz, but then acknowledges that Salkewicz does not disclose every feature of claim 20 and asserts that Giniger teaches "a Point-to-Point Tunneling Protocol that encrypts data layer PPP frames and transmits them across the network simultaneously with an IP header to the encrypted PPP frames and routers." Applicants respectfully disagree with the Examiner's assertion that the incorporation of Giniger's "teachings of recognition and redirection of PPP frames" with Salkewicz's "access gateway and ingress layer 2/3 communications element" teaches "the access gateway and ingress layer communications element" recited in claim 20.

In column 1, lines 51-61 of Giniger, the functions of the Layer 2 Tunneling Protocol (L2TP) and Point to Point Tunneling Protocol (PPTP) are described. Giniger does not disclose adapting the access gateway and ingress communications element "to recognize and redirect data based on the presence of multiple instances of point-to-point (PPP) frames being sent to and from the IP enabled devices," as recited in claim 20. Nor does Giniger imply or suggest such a feature. Instead, Giniger, at column 11, lines 38-46, simply describes the relay of IP packets to other computers via a relay agent.

Accordingly, the combination of Salkewicz with Giniger fails to render independent claim 20 obvious. Withdrawal of the 103(a) rejection of claims 20, 21, and 25 is respectfully requested.

*Claims 22-24*

The Examiner states that claims 22-24 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Salkewicz in view of U.S. Patent No. 5,729,689 to Allard et al. ("Allard"). However, this rejection was identified under the heading "Claim Rejections – 35 USC § 103." Moreover, the rejection discusses obviousness and the combination of Salkewicz with Allard. Therefore, Applicants believe that claims 22-24 are actually rejected under 35 USC § 103(a) and the following arguments are based upon this assumption.

Applicants respectfully request reconsideration and withdrawal of these rejections. The Examiner has provided no basis for any one of ordinary skill in the art at the time of the invention to be motivated to select and combine Salkewicz and Allard. Moreover, even if such combination was appropriate, independent claim 22 patentably defines over the art of record for at least the following reasons. Independent claim 22 includes features that are neither taught nor suggested by the art of record.

Claim 22 recites a method for providing IP services to an IP enabled device in communication with an access provider network via a network access device. The method recited in claim 22 provides a first and second IP address to the network access device and a third IP address to the IP enabled device. The first and second IP address enable the access device to communicate with a first plurality of IP service devices through an ISP and a second plurality of IP service devices in the access provider network, respectively. The third IP address permits the IP enabled device to communicate with the network access device. The network access device receives communications from the IP enabled device, determines whether communications are addressed to IP service devices in the access provider network and forwards the communications.

Salkewicz at column 5, lines 9-18 merely discloses a personal computer connected to the internet via local, regional and/or national ISPs. Salkewicz at column 3, lines 21-38 and column 11, lines 54-59 simply discloses a *single* network device that employs multiple networking/routing protocols and "virtual network machines," which allows the network device to serve as a node for a plurality of virtual networks. Thus, the alleged teachings of Salkewicz are entirely irrelevant to the subject matter recited in claim 22.

The Examiner acknowledges that Salkewicz does not teach all of the limitations of claim 22 but asserts that Allard discloses a "controller converter that builds a positive

response packet containing [the] DNS name and its associated IP address. Thereafter, the positive response packets is transmitted to the DNS client according to the DNS protocol. Control is then pass[ed] to the end step.”

Applicants respectfully disagree with the Examiner. Allard at column 17, lines 35-39, column 18, lines 1-10 and figure 11 merely describes a “naming proxy agent” that permits a first node, utilizing a first naming protocol, to communicate with a second node, utilizing a second naming protocol. In other words, the proxy agent enables two nodes using different naming protocols to obtain their respective network addresses, thereby enabling both nodes to establish a network connection. The alleged teachings of Allard, therefore, do not disclose a method for forwarding IP traffic based on whether the IP traffic is addressed to a first or second IP service device.

Accordingly, the combination of Salkewicz with Allard fails to render independent claim 22 obvious, and Applicants respectfully request withdrawal of the 103(a) rejection of claims 22-24.

*Dependent Claims 2-11, 13, 14, 16-19, 21 and 23-25*

Because claims 2-11, 13, 14, 16-17, 19, 21 and 23-25 all depend on independent claims 1, 12, 15, 20 and 22, the rejections of the dependent claims cannot stand for at least the same reasons noted by Applicants above.

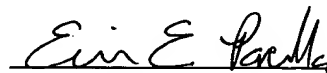
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**PATENT**

**Conclusion**

For all the foregoing reasons, Applicants respectfully submit that the pending claims patentably define over the cited art. Accordingly, a Notice of Allowance for claims 1-17 and 19-26 is respectfully requested. In the event, however, that the Examiner believes that the application is not allowable for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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Erin E. Pacella  
Registration No. 56,239

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439